

**REMARKS**

**Drawings**

Paragraph 1 of the Action objects to drawings 7-13 because the original drawings are blurred. Applicants have submitted replacement sheets for drawings 7-13. Accordingly, Applicants respectfully request withdrawal of the objection.

**Claim Rejections Under §102:**

Paragraph 4 rejects claims 1-31 under 35 U.S.C. 102(b) as being anticipated by Gobush (United States Patent No. 6,698,653). Applicant respectfully traverses the rejection of claims 1-31 because, *inter alia*, Gobush does not teach “marking a golf ball with color markings...comprising at least two colors” and “collecting data...using a color camera and the color markings.” The Gobush reference teaches using colored markings to differentiate between a club and a ball. In order to sustain a rejection under 35 U.S.C. 102(b), the cited reference must teach each and every claim limitation. (*See* MPEP §2131). Moreover, “the identical invention must be shown in as complete detail as contained in the . . . claim.” (*See* MPEP §2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). Gobush cannot, therefore, anticipate claims 1-31, because Gobush fails to teach each and every element of claims 1-31.

The present application teaches a method of fitting golf equipment by marking a golf ball with at least two colors and using a high speed color camera to obtain images of the golf ball after impact by the golf club. The images can then be used to obtain launch data, such as spin rate and direction. By using color high-speed cameras and a golf ball with at least two color

markings more accurate and more reliable launch data can be obtained as compared to conventional systems that typically use black and white high speed cameras (See paragraph 072). Further, as described below, by using color markers less data is needed relative to the system of Gobush.

Gobush teaches that the club can be marked with one color and the ball with another, such that the ball and the club can be differentiated (See col. 19, lns. 39-43). Differentiating between the club and the ball only requires that the club and the ball have different colored markers, not that the ball have at least two different color markers. Moreover, Gobush does not teach collecting data related to how the golfer's swing launches a golf ball using a color camera and the at least two color markings on the golf ball. In other words, nothing in Gobush teaches what one would do with the additional data provided by using multiple colors on the golf ball, if one were to include multiple colors on the golf ball as in the present application and claims.

In the system as described and claimed in the present application, accurate data can be achieved with as few as two markings, one of each color. While Gobush teaches that as few as two markers can be used on a golf ball, Gobush actually teaches away from the present invention because it teaches that in order to obtain highly accurate data, as many as 6 markings are needed and that the markers must have defined angles and relations. As the present application states with respect to a black and white camera systems, "markings may not be as easily discernable, thus rendering the information gathering in conventional systems less accurate" (See Paragraph 073). Since Gobush is effectively a monochrome system, Gobush has these same shortcomings, especially when fewer, e.g., two, markings are used on the golf ball. The Gobush system is effectively monochromatic with respect to the ball and the ball camera because the markings on

the ball are all the same color. Therefore, Gobush is effectively the same as a black and white system in this respect.

Again, in the present system, highly accurate data can be achieved with as few as two markings by using two different colors and a high speed color camera. (See Paragraph 072).

Gobush cannot, therefore, anticipate claim 1 because claim 1 requires “making a golf ball with color markings, the color markings comprising *at least two colors*, and collecting data related to how the golfer’s swing launches a golf ball using a color camera and the color markings.” Applicant therefore respectfully requests that the rejection as to claims 1 be withdrawn. Claims 2-10, ultimately depend from claim 1 and are allowable for at least the reasons discussed above with respect to claim 1. Applicant therefore respectfully requests that the rejection as to claims 2-10 be withdrawn.

Claim 11 has been amended to include a golf ball with at least two color markings, wherein the color markings are used to collect data and is allowable for at least the reasons discussed above with respect to claim 1. Applicant therefore respectfully requests that the rejection as to claim 11 be withdrawn. Claims 12-22, ultimately depend from claim 11 and are allowable for at least the reasons discussed above with respect to claim 11. Applicant therefore respectfully requests that the § 102 rejection as to claims 12-22 be withdrawn.

Claim 23 has been amended to include a golf ball with at least two color markings, wherein the color markings are used to collect data and is allowable for at least the reasons discussed above with respect to claim 1. Applicant therefore respectfully requests that the § 102 rejection as to claim 23 be withdrawn. Claims 24-31, ultimately depend from claim 23 and are

allowable for at least the reasons discussed above with respect to claim 11. Applicant therefore respectfully requests that the § 102 rejection as to claims 24-31 be withdrawn.

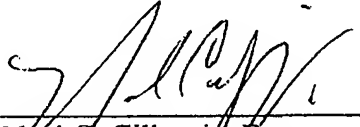
**CONCLUSION**

Based on the above amendments and remarks, Applicant believes that the claims are in condition for allowance and such is respectfully requested. Applicant believes that the fee required for the three month Petition for Extension of Time is \$510.00. No additional fees are deemed to be due, however, the Commissioner is hereby authorized to charge any additional fee and/or credit any overpayment to Deposit Account Number 13-0480 referencing attorney docket no. 67175523.001106.

Respectfully submitted,

Dated: September 15, 2005

By:

  
Noel C. Gillespie, Esq.  
Registration No. 47,596

BAKER & McKENZIE LLP  
2001 Ross Avenue, Suite 2300  
Dallas, TX 75201  
(619) 235-7753 direct  
(214) 978-3099 fax